

Applicants wish to thank Examiner Gollamudi and Supervisory Examiner Dees for the helpful and courteous discussion held with their U.S. Representative on September 19, 2002. At that time, Applicants U.S. representative argued that a method in which a composition is applied to **dry** hair followed by washing the hair treatment away was nowhere disclosed or suggested in the cited prior art of record and that a composition in which the solvent was a C<sub>1-6</sub> alcohol, and aromatic alcohol or mixture thereof was nowhere disclosed or suggested in the cited prior art of record. The following is intended to expand upon the discussion with the Examiner.

Methods for treating hair which result in improved feel, stylability and manageability have typically been treatment of shampooed wet hair. Unfortunately, such conventional hair treatment methods leave room for improved performance in terms of feel and stability.

The present invention addresses this problem by providing a method for treating hair comprising applying to dry hair a composition comprising an oil agent and a solvent wherein the water content of the **composition** is 20 wt% or lower. The present invention is also provided for by a preshampooed treatment composition comprising 0.5-50% by weight of an oil agent, a solvent selected from the group consisting of C<sub>1-6</sub> alcohol, an aromatic alcohol and a mixture thereof, and a water content of from 0-20 wt%. Applicants have discovered that such a method and composition provides for hair treatment of improved feel and stability and manageability. Such a method and composition are nowhere disclosed or suggested in the cited prior art of record.

Claims 1-5:

This embodiment of the present invention is directed to methods of treating hair comprising applying a hair treatment composition to **dry** hair.

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) over the references Altobelli et al U.S. 5,110,318, Nagel U.S. 4,494,557 alone and in combination with Hulett et al U.S. 4,459,471 and over the combination of Jones U.S. 5,116,607 in view of Reuven U.S. 5,850,636.

None of the cited prior art of record disclose or suggest a method in which a hair treatment composition is applied to **dry** hair and washed away.

Altobelli et al describes a method in which the hair coloring composition is applied in a one-step coloring and conditioning process in which prior to application of the composition to the hair, the hair is shampooed and **excess water** is squeezed out (col. 6, lines 10-18). Such a process does not describe a method in which a hair treatment composition is applied to dry hair.

Nagel describes a method of conditioning hair in which a reforming mixture is applied to hair which has been rinsed with hot tap water then towel-blotted to remove excess moisture (col. 4, lines 9-22). Such a method does not describe applying a hair treatment composition to dry hair.

Jones describes a hair dressing composition in which the composition is applied to hair (column 1, lines 15-25). As a hair dressing composition there is no suggestion of removing the composition in a washing step.

As such, none of the primary references disclose or suggest a method in which a hair treatment composition is applied to dry hair followed by washing the treatment away.

In contrast, the present invention is directed to a method of treating hair in which a hair treatment composition is applied to **dry** hair then **washed** away. Applicants note that the claims specifically recite that the composition is applied to dry hair and washed away, process

steps which are not found in the reference cited. Applicants further note, that the claims are directed to methods, in which the **composition** has a water content of 20 wt.% or less. The water content of the hair treatment composition is discussed in even more detail on page 3, liens 25-30 of the specification. After application to dry hair, the composition is allowed to stay in the hair for a period of time prior to washing the composition away.

Applicants note that claim 3 has been amended to remove the limitation as to the hair being covered "so as not to allow a component of the hair treatment composition to escape." A hair covering is provided according to claim 3 so that a component of the composition may not substantially escape and thereby to ensure the hair surface modifying effect of the composition.

Since the cited prior art of record fails to disclose or suggest a method in which a hair treatment composition is applied to dry hair followed by washing the hair treatment composition away, the present invention is clearly not anticipated nor obvious from the cited references and accordingly, withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are respectfully requested.

The secondary references of Hulett et al and Reuven U.S. 5,850,636 have merely been cited for the teaching of a hair covering material and in no way disclose or suggest the claimed method.

Since the cited prior art of record fails to disclose or suggest the claimed method, the present invention is neither anticipated nor obvious and accordingly withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are respectfully requested.

Claim 7:

This embodiment of the present invention is directed to a pre-shampoo treatment.

A pre-shampoo treatment comprising 0.5-50% by weight of an oil treatment, a solvent selected from the group consisting of C<sub>1-6</sub> alcohol and aromatic alcohol and a mixture thereof and from 0-20% by weight by water is nowhere disclosed or suggested in the cited prior art of record.

Altobelli describes hair treatment compositions in which the amount of water exceeds 20 wt%. In each of the working examples, the amount of water is indicated as q.s. to 100%. As the other components of the exemplified compositions do not exceed 80 wt%, each of the examples describes a composition in which the amount of water is in excess of 20 wt%. Accordingly, this reference can neither anticipate nor render obvious the claimed pre-shampoo treatment.

Nagel describes a hair conditioning composition comprising 33.2-54.4 wt% of water (col. 3, lines 22-30). This reference does not render obvious the claimed composition in which the amount of water is limited to at most 20 wt%.

Jones, describes a hair dressing composition which is primarily oil, totally unrelated to the hair conditioning compositions of the other references. The reference describes a first phase of a light petroleum, a phase two of a wax (col. 1, line 60) and a phase 3 of active agent (col. 2, lines 7-10). The combination of the light petroleum phase and the wax phase are exemplified in large amounts and accordingly as combined would provide for greater than 50% by weight of an oil agent. Moreover, the reference does not describe a solvent selected from the group consisting of C<sub>1-6</sub> alcohol and aromatic alcohol and accordingly the claimed composition is neither disclosed nor suggested by this reference.

Since the cited references fail to disclose or suggest the pre-shampooed treatment composition as claimed, the claim language is neither anticipated nor obvious from the cited

references and accordingly withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are respectfully requested.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

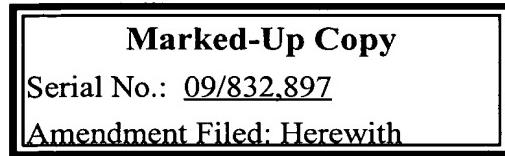
Richard L. Chinn, Ph.D.  
Registration No. 34,305



**22850**

Telephone: (703) 413-2220  
Facsimile: (703) 413-2220  
RLC:dbl

Attorney Docket No.: 205733US0  
Applicant(s): Kenichi UEYAMA, et al.  
Serial No.: 09/832,897  
Filed: April 12, 2001



-- (Amended) A method of treating hair [which comprises] comprising:

- i) applying a hair treatment composition comprising at least one oil agent and a solvent, and having a water content of 20 wt.% by weight or lower to dry hair[,];
  - ii) allowing the hair to stand for 3 to 120 minutes[,]; and
  - iii) washing the hair treatment composition away.

3. (Amended) A method of treating hair [which comprises] comprising:

- i) applying a hair treatment composition comprising at least one oil agent and a solvent, and having a water content of 20 wt.% by weight or lower to dry hair[,];
  - ii) warming the hair at a prescribed temperature for a prescribed period of time with the hair being covered [so as not to allow a component of the hair treatment composition to escape,]; and
  - iii) washing the hair treatment composition away.--

Claim 6 (canceled)

Claim 7 (new)